

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Applications of)	
)	
ATTORNEY GENERAL'S OFFICE OF THE)	File Nos. 0001855193, 0001855197
STATE OF NEW JERSEY)	
)	
To Operate Public Safety Radio Communications)	
Systems in Frequency Band)	
470-512 MHz in New Jersey)	
)	
MELVILLE, NEW YORK FIRE DISTRICT)	File Nos. 0001954152, 0002058180
)	
To Modify Its License for Station WIG703,)	
Melville, New York)	
)	
COUNTY OF BERGEN, NEW JERSEY)	File No. 0002058421
)	
To Modify Its License for Station WQBL384,)	
Mahwah, New Jersey)	

ORDER

Adopted: June 3, 2005

Released: June 7, 2005

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. We have before us the above-captioned applications and waiver requests filed by three public safety agencies in the New Jersey/New York area. Specifically, the Attorney General's Office of the State of New Jersey (New Jersey) filed two applications and an associated waiver request seeking authorization to operate two wide-area public safety radio communications systems on twenty frequencies in the New Jersey portions of the New York and Philadelphia metropolitan areas.¹ New Jersey seeks a waiver, pursuant to Section 337(c) of the Communications Act, as amended (the Act),² to permit it to use currently unassigned frequencies allotted for non-public safety use.³ Melville, New York, Fire District (Melville) filed two applications⁴ and a waiver request to modify its license for Station WIG703, Melville, New York, to replace a Part 22 frequency pair with a different Part 22 frequency pair in the

¹ See FCC File No. 0001855193 (filed Aug. 27, 2004, amended Oct. 26, 2004 and Feb. 23, 2005) (New Jersey Request); see also FCC File No. 0001855197 (filed Aug. 27, 2004, amended Oct. 19, 2004 and Oct. 26, 2004).

² 47 U.S.C. § 337(c). Alternatively, New Jersey seeks a waiver pursuant to Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925. See New Jersey Request at 1.

³ New Jersey Request at 5.

⁴ See FCC File No. 0001954152 (filed Nov. 30, 2004) (Melville Request); see also FCC File No. 0002058180 (filed Feb. 23, 2005, amended Feb. 24, 2005).

UHF⁵ band. In addition, we have before us an application⁶ filed by the County of Bergen, New Jersey (Bergen) to modify its license for Station WQBL384, Mahwah, New Jersey, to include locations identical to those in New Jersey's application in the northeast portion of the state. Finally, we have before us a joint agreement (Agreement)⁷ among the parties that resolves several disputed proceedings involving applications and waiver requests of the three agencies to use UHF Part 22 paging service frequencies for needed improvements to each agency's radio communications system. For the reasons stated herein, we grant the waiver requests and approve the Agreement to the extent that we order the processing of the applications effectuating the Agreement.

II. BACKGROUND

2. *New Jersey.* New Jersey states that its expansive corporate and investment banking presence, its enormous rail, shipping, airport, and highway infrastructure, and the proximity to New York City and Philadelphia present severe challenges in responding to emergency circumstances.⁸ It has commenced several initiatives to strengthen statewide response and emergency preparedness in response to the September 11, 2001 attacks.⁹ A key component of the plan is an interoperable system of voice and data radio communications across jurisdictions and agencies.¹⁰ New Jersey seeks UHF channels to improve the breadth and quality of interoperability capability by complementing its interoperability tactical channels in the 800 MHz band and the VHF band.¹¹ In FCC File No. 0001855193, New Jersey proposes to operate on frequency pairs 470/473.0875 and 470/473.1625 MHz in the northern counties and cities near New York City.¹² In FCC File No. 0001855197, New Jersey proposes to operate on frequency pairs 500.1625/503.1125, 500/503.2375, 500/503.2625, 506/509.0875, 506/509.1125, 506/509.1625, 506/509.2125, and 506/509.2625 MHz in the counties and cities surrounding Philadelphia and Trenton.¹³ As the frequencies in question are not designated for public safety use, New Jersey requires a waiver of Sections 22.7, 22.501, 22.621, 22.651, and 90.311 of the Commission's Rules.¹⁴

⁵ Frequencies in the 300 MHz to 3 GHz range are Ultra High Frequencies (UHF), but land mobile frequencies in the 450-512 MHz range are sometimes known as the land mobile "UHF band." In this *Order*, references to UHF mean 450-512 MHz. See, e.g., Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Notice of Proposed Rule Making*, WT Docket No. 99-87, 14 FCC Rcd 5206, 5215 ¶¶ 11-12 (1999).

⁶ See FCC File No. 0002058421 (filed Feb. 23, 2005, amended Feb. 25, 2005 and Mar. 14, 2005).

⁷ See Letter dated Jan. 7, 2005 from John Schmidig, Chief, and Mark K. Lepinski, Lieutenant, Bergen County Police Department, Salvatore Silvestri, Chairman, Board of Fire Commissioners, Melville Fire District, and Raymond J. Hayling II, Chief, Public Safety Communications, Office of the Attorney General, Department of Law and Public Safety, State of New Jersey, to Michael Wilhelm, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau (Agreement).

⁸ See New Jersey Request at 3.

⁹ *Id.*

¹⁰ *Id.* at 4.

¹¹ *Id.*

¹² See *id.* at 7; see also FCC File No. 0001855193.

¹³ New Jersey Request at 7; see also FCC File No. 0001855197.

¹⁴ 47 C.F.R. §§ 22.7, 22.501, 22.621, 22.651, 90.311. Section 22.7 limits eligibility to operate on Part 22 frequencies to common carriers. Section 22.501 defines the scope of the licensing and operation of the public paging and radiotelephone service. Section 22.621 requires the use of point-to-multipoint operation on five of the requested frequencies. Section 22.651 requires the use of trunked mobile operations on the other five frequencies (continued....)

3. On November 17, 2004, the Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division (Division) placed New Jersey's applications and waiver request on public notice.¹⁵ Comments or reply comments in support of New Jersey's request were filed by Westchester County, New York, the Jersey City Police Department, the Newark Police Department, the New Jersey General Assembly, the Essex County Sheriff, the County of Bergen Police Department, the Urban Area Security Initiative, and New Jersey.¹⁶ Melville filed comments opposing New Jersey's request with respect to FCC File No. 0001855193, frequency pair 470/473.1625 MHz.¹⁷ Melville's Station WIG703 operates on, *inter alia*, frequency pair 470/473.1625 MHz. Melville contended that New Jersey's temporary base stations and repeaters and its fixed site in Newark, New Jersey would present an interference concern because they would permit co-channel operations within forty miles of Station WIG703.¹⁸

4. On February 23, 2005, in accordance with the Agreement and in order to provide better interference protection to Melville's co-channel operations, New Jersey amended FCC File No. 0001855193 by limiting its proposed use of frequency pair 470/473.1625 MHz to the technical parameters of Bergen's Station WQBL384 before modification. The Agreement states that New Jersey may choose to share this frequency pair and/or frequency pair 470/473.2375 MHz with Bergen in the future,¹⁹ pursuant to Section 90.179 of the Commission's Rules.²⁰ Both agencies agree that their licenses for frequency pair 470/473.1625 MHz shall contain an explicit condition that New Jersey and/or Bergen shall not expand the footprint reflected by Bergen's authority under Station WQBL384 and shall protect Melville's co-channel operations.²¹

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requested. *But see* 47 C.F.R. § 22.655 (FCC is redesignating public mobile channels in the 450-470 MHz range from trunked mobile operation to point-to-multipoint operation as the demand for trunked mobile service decreases). Section 90.311 excludes frequencies in the 470-512 MHz range from assignment to private land mobile radio applicants if the frequencies are allocated for services under Part 22.

¹⁵ See Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by the Attorney General's Office of the State of New Jersey to Operate a Wide Area Public Safety Radio System Utilizing Twenty UHF Paging Control and Trunked Mobile Frequencies, *Public Notice*, 19 FCC Rcd 22588 (WTB PSCID 2004). Comments were due on December 2, 2004, and reply comments were due on December 13, 2004.

¹⁶ See Comments of Westchester County, New York (filed Dec. 2, 2004); Reply Comments of the Office of the Attorney General of New Jersey (dated Dec. 13, 2004) (New Jersey Reply Comments); Reply Comments of the Jersey City Police Department (dated Dec. 13, 2004); Letter dated Dec. 10, 2004 from Anthony F. Ambrose, Police Director, Newark Police Department, to Marlene H. Dortch, Secretary, Federal Communications Commission; Letter dated Dec. 13, 2004 from Albio Sires, Speaker, New Jersey General Assembly, to The Honorable Michael Powell, Chairman, Federal Communications Commission; Letter dated Dec. 8, 2004 from Armando B. Fontoura, Essex County Sheriff, to Marlene H. Dortch, Secretary, Federal Communications Commission; Letter dated Dec. 10, 2004 from Lt. Mark Lepinski, County of Bergen Police Department, to Marlene H. Dortch, Secretary, Federal Communications Commission; Letter dated Dec. 9, 2004 from Scott DiGiralomo, Chair, Urban Area Security Initiative Executive Committee, to John Muleta, Chief, Wireless Telecommunications Bureau, Federal Communications Commission.

¹⁷ See Comments of the Melville, New York, Fire District (filed Dec. 2, 2004).

¹⁸ *Id.* at 3-4; *see also* 47 C.F.R. § 90.313(c).

¹⁹ See Agreement at 2. Bergen and New Jersey are members of the Urban Area Security Initiative, which strives to provide interoperable communications among its member public safety agencies in New Jersey. *See id.*

²⁰ 47 C.F.R. § 90.179.

²¹ See Agreement at 2.

5. *Melville.* Melville's Station WIG703 is authorized to operate on frequency pairs 470/473.1625 and 470/473.2375 MHz pursuant to a waiver of Part 22 of the Commission's Rules. On November 30, 2004, Melville filed an application and waiver request seeking to add to its license for Station WBIG704 frequency pair 476/479.0125 MHz, with the intent of submitting a subsequent application to delete frequency pair 470/473.2375 MHz upon grant of frequency pair 476/479.0125 MHz.²² On December 15, 2004, the Division placed Melville's application and waiver request on public notice.²³ Bergen and New Jersey filed reply comments indicating that a resolution of the parties' co-channel dispute had been reached that would be submitted to the Commission shortly.²⁴

6. On February 23, 2005, Melville submitted an application to modify its license for Station WBIG704 to delete frequency pair 470/473.2375 MHz, for the purpose of resolving a co-channel dispute with Bergen.²⁵ In addition, Melville agrees to an explicit condition on its license to employ a six-degree downtilt antenna on frequency 470.1625 MHz, and that Melville shall not expand the footprint established by its applications and shall protect the co-channel operations of New Jersey and/or Bergen.²⁶

7. *Bergen.* Bergen's Station WQBL384 is authorized to operate on frequency pair 470/473.2375 MHz. Under the Agreement, Bergen seeks to delete the three locations on its current authorization and add new locations identical to those on New Jersey's pending application, FCC File No. 0001855193, for the purpose of potentially sharing frequency pairs 470/473.1625 and/or 470/473.2375 MHz with New Jersey in the future.

8. On March 7, 2005, the Bureau placed the remaining applications pertaining to the Agreement, specifically, Bergen's application and New Jersey's amended application, on public notice.²⁷ Bergen and New Jersey filed reply comments urging the Commission's approval of their applications.²⁸

III. DISCUSSION

9. Section 337(c) of the Act provides that the Commission must waive any rules necessary to authorize entities providing public safety services to operate on unassigned non-public safety spectrum, if the Commission makes five specific findings:

²² FCC File No. 0001954152, Request for Waiver.

²³ See Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by the Melville, New York Fire District to Modify its Public Safety Radio System by Replacing Two UHF Paging Control and Trunked Mobile Frequencies, *Public Notice*, 19 FCC Rcd 24107 (WTB PSCID 2004). Comments were due on January 5, 2005, and reply comments were due on January 12, 2005.

²⁴ See Reply Comments of Bergen County, New Jersey (filed Jan. 12, 2005); Reply Comments of the Office of the Attorney General of New Jersey (filed Jan. 12, 2005). Previously, Bergen and New Jersey filed comments to preserve their objections to Melville's operations in the event that no resolution is reached by the reply comment date. See Comments of Bergen County, New Jersey (filed Jan. 5, 2005); Comments of the Office of the Attorney General of New Jersey (filed Jan. 5, 2005).

²⁵ See Agreement at 2.

²⁶ *Id.*

²⁷ See Wireless Telecommunications Bureau Seeks Comment on Applications and Waiver Requests of the County of Bergen, New Jersey and the Attorney General's Office of the State of New Jersey, *Public Notice*, 20 FCC Rcd 5127 (WTB PSCID 2005). Comments were due on March 22, 2005, and reply comments were due on March 29, 2005.

²⁸ See Reply Comments of Bergen County, New Jersey (filed Mar. 29, 2005); Reply Comments of the Office of the Attorney General of New Jersey (filed Mar. 29, 2005). No comments were received.

- public safety spectrum is not immediately available;
- the proposed use will not cause harmful interference to protected spectrum users;
- public safety use of the unassigned frequencies is consistent with public safety spectrum allocations in the geographic area;
- the unassigned frequencies have been allocated for non-public safety use for more than two years; and
- grant of the application is consistent with the public interest.²⁹

10. Public safety services are services the principal purpose of which is to protect the safety of life, health, or property, provided by governmental entities whose primary mission is the provision of such services, or by non-governmental entities authorized by such a governmental entity, and that are not made commercially available to the public.³⁰ Based on the record before us, we find that New Jersey, Melville, and Bergen are entities providing public safety services.³¹ In a recent related matter, we concluded that Melville and Bergen had met all of the requirements of Section 337(c);³² therefore, in the present proceeding, with respect to these parties we need only review whether the proposed modifications will cause harmful interference to protected spectrum users, and whether the grant of the requests is consistent with the public interest. We will review all of the criteria with respect to New Jersey.

11. *Immediate availability of public safety spectrum.* New Jersey contends no public safety spectrum is immediately available that would support its proposed radio system.³³ New Jersey makes the following observations:

- The 150-160 MHz band has no available frequencies that meet the channel requirements of New Jersey's initiatives;
- The Part 90 450-466 MHz, 470-473 MHz and 476-479 MHz bands contain 6.25 kHz bandwidth channels, but these frequencies are not available because no manufacturer provides equipment for this narrow bandwidth. These channels cannot be coordinated due to the close proximity of existing co- or adjacent channel users;
- The 764-776 and 794-806 MHz bands, while designated for public safety use, are not immediately available for New Jersey because of existing television broadcast stations;
- The 806-821 MHz, 821-824 MHz, 851-866 MHz bands, and 866-869 MHz bands do not have unassigned land mobile or wide-area channels.³⁴

²⁹ See 47 U.S.C. § 337(c).

³⁰ See 47 U.S.C. § 337(f).

³¹ See Seven Public Safety Agencies in the New York Metropolitan Area, *Order*, 19 FCC Rcd 15355, 15361 ¶ 12 (WTB PSCID 2004) (Seven Public Safety Agencies Order).

³² See *id.* at 15361-63 ¶¶ 13-18.

³³ See New Jersey Request at 7-8.

Based on the record before us and previous proceedings demonstrating the shortage of unassigned public safety spectrum in the New York metropolitan area,³⁵ we concur with New Jersey's contentions and find that no other public safety spectrum is immediately available to satisfy the requested public safety service use.

12. *Technical feasibility of requested use without causing harmful interference.* New Jersey's proposed frequencies are in the 470-512 MHz band, which is allocated on a geographically-shared basis with television broadcast stations.³⁶ In the New York and Philadelphia metropolitan areas, the Commission regulates the twenty requested frequencies under Part 22 of its Rules.³⁷ Specifically, eighteen of the frequencies requested herein are designated for point-to-multipoint transmitters used to support transmitters that provide public mobile service, *i.e.*, paging control.³⁸ The other two frequencies requested herein are designated for trunked mobile operations.³⁹ New Jersey has reviewed the television broadcast operations on TV Channels 14, 15, and 16 and found that there are no co-channel or adjacent channel TV operations that are within the Commission's spacing rules.⁴⁰ We have determined that New Jersey's proposed systems will not cause harmful interference to existing Part 22 licensees. In addition, an FCC-certified frequency coordinator of Public Safety Pool frequencies determined that New Jersey's proposed radio system will not interfere with other licensed public safety systems.⁴¹

13. New Jersey's amended application reduces the proposed area of operation for frequency pair 470/473.1625 MHz in order to mitigate Melville's opposition in its December 2, 2004 comments. New Jersey requests a special condition stating that as long as Melville is licensed co-channel, New Jersey shall (1) not expand the service area footprint reflected by the initial grant of New Jersey's station at locations 9, 10, and 11 on frequency pair 470/473.1625 MHz; and (2) protect Melville's co-channel operations. Based on the record before us and New Jersey's request for a special condition, we conclude that the operational and technical parameters of New Jersey's proposed systems meet the Commission's requirements for interference protection to incumbent public safety licensees. Therefore, we find that New Jersey's proposed systems are technically feasible and will not cause harmful interference to protected spectrum users.

14. Melville's proposed new frequency pair 476/479.0125 MHz is co-channel with Stations WQBL360, North Plainfield, New Jersey, and WQBL367, Somerville, New Jersey, licensed to the

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³⁴ *Id.*

³⁵ See, e.g., *Seven Public Safety Agencies Order*, 19 FCC Rcd at 15361 ¶ 13.

³⁶ Frequencies in the 470-512 MHz band, normally assigned to UHF Television channels 14 through 20, were made available for land mobile radio use in eleven cities in the early 1970s in the "UHF-TV Sharing" proceeding. See *Land Mobile Use of TV Channels 14 through 20, Report and Order*, Docket No. 18261, 23 F.C.C. 2d 325 (1970).

³⁷ 47 C.F.R. § 22.1 *et. seq.*

³⁸ See 47 C.F.R. §§ 22.621, 22.627.

³⁹ See 47 C.F.R. §§ 22.651, 22.655. The two proposed frequencies allocated for trunked mobile operation are 473.0875 and 473.1625 MHz. Both frequencies appear only on New Jersey's application in the New York metropolitan area, FCC File No. 0001855193.

⁴⁰ See Letter from Emil Vogel, Vogel Consulting Group, Inc., to the Federal Communications Commission, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau (dated Aug. 26, 2004). See 47 C.F.R. §§ 90.307, 90.309.

⁴¹ See Letter dated Oct. 18, 2004 from Lieutenant Anthony Melia, APCO New Jersey Frequency Advisor, APCO International, to Michael Wilhelm, Chief, Public Safety and Private Wireless Division.

County of Somerset, New Jersey (Somerset). As Melville is located more than forty miles from Somerset, we conclude that Melville meets the co-channel spacing requirement for fully-loaded frequencies.⁴² The frequency pair is also adjacent channel to the Jersey City Police Department Station WQBL368, Jersey City, New Jersey, on frequency pair 476/479.0250 MHz. We conclude that Melville satisfies the frequency coordination procedures established by the Land Mobile Communications Council (LMCC)⁴³ in that neither Melville nor adjacent channel, incumbent stations is predicted to receive greater than five percent degradation in service area reliability as a result of Melville's proposed operations on frequency pair 476/479.0250 MHz. Melville requests a special condition on its license, stating that as long as New Jersey and/or Bergen are licensed co-channel, Melville shall (1) employ a six-degree downtilt antenna on frequency 470.1625 MHz, (2) not expand the footprint established by its applications, and (3) protect the co-channel operations of New Jersey and/or Bergen. Based on the record before us and Melville's request for a special condition, we conclude that the operational and technical parameters of Melville's proposed modification meet the Commission's requirements for interference protection to incumbent public safety licensees. We have determined that Melville's proposed modification will not cause harmful interference to existing Part 22 licensees. Therefore, we find that Melville's proposed modification is technically feasible and will not cause harmful interference to protected spectrum users.

15. Bergen's proposed expansion on frequency pair 470/473.2375 MHz is technically feasible and will not cause harmful interference to Melville because Melville requests deletion of the frequency pair from its license. Bergen requests a special condition on its license, stating that as long as Melville is licensed on frequency pair 470/473.1625, (1) if Bergen should ever be licensed on frequency pair 470/473.1625, it shall not expand the service area footprint reflected by Bergen's initial grant of Station WQBL384, locations 1, 2, and 3; and (2) Bergen shall protect Melville's co-channel operations. Based on the record before us and Bergen's request for a special condition, we conclude that the operational and technical parameters of Bergen's proposed system meet the Commission's requirements for interference protection to incumbent public safety licensees. We have determined that Bergen's proposed modification will not cause harmful interference to existing Part 22 licensees. Therefore, we find that Bergen's proposed modification is technically feasible and will not cause harmful interference to protected spectrum users.

16. *Public safety use of the frequencies is consistent with other public safety spectrum allocations in the geographic area.* As New Jersey notes, the frequencies it proposes to use in its public safety communications system are within a frequency band where public safety land mobile radio operations are authorized, and, more importantly, is currently being used by other public safety agencies in the New York metropolitan area (e.g., New York City, Bergen County, the Jersey City Police Department, and the City of Bayonne) and the Philadelphia/Trenton area (e.g., Burlington County and Camden County).⁴⁴ We therefore find that the use of the unassigned frequency pairs for the provision of the proposed public safety services is consistent with other allocations for the provision of such services in the geographic area for which the application is made. Moreover, because other agencies in the New York and

⁴² See 47 C.F.R. § 90.313(c).

⁴³ See Frequency Selection Procedures—12.5 kHz Offset Assignments at 470-512 MHz, attached to Letter dated Sept. 10, 1997, from Larry A. Miller, President, LMCC, to Daniel B. Phythyon, Chief, Wireless Telecommunications Bureau. The LMCC consensus considers the relationship between a new 12.5 kHz bandwidth system and an existing 25 kHz bandwidth system, separated by 12.5 kHz. The degree of interference is calculated using the methods defined by the TIA TSB 88 document. If an applicant or an incumbent station is predicted to receive greater than five percent degradation in service area reliability, then the application shall not be certified by a frequency coordinator unless concurrence is obtained from all affected incumbents. See *id.*

⁴⁴ See New Jersey Request at 14.

Philadelphia metropolitan areas are using these frequencies, we believe that granting the request will promote interoperability capability among the public safety community in these areas.

17. *The frequencies have been allocated for non-public safety use for more than two years.* The Commission allocated these frequencies for Part 22 use in 1994.⁴⁵ Thus, these frequencies have been allocated for their present use for more than two years.

18. *Granting this application is consistent with the public interest.* Based upon the record in this proceeding, we believe New Jersey's filings demonstrate that access to additional spectrum is needed in order to promote effective public safety communications.⁴⁶ We believe that it would further the public interest by affording New Jersey's public safety community the necessary spectrum to allow it to safely protect the lives and property in its care. Indeed, Section 1 of the Act defines one of the Commission's overarching purposes as "promoting safety of life and property through the use of ... radio communication."⁴⁷ Additionally, we find it significant that granting New Jersey's request will promote interoperability capability among the law enforcement and public safety agencies throughout New Jersey. Further, we conclude that granting Bergen and Melville's requests will promote the public interest because a grant will resolve pending disputes between the parties and will allow them to proceed with construction and operation of their public safety communications systems.

IV. CONCLUSION

19. We conclude that the requests of New Jersey, Melville, and Bergen satisfy the criteria set forth under Section 337(c) of the Act to obtain grants of their applications to operate or modify public safety communications systems on frequencies in the 470-512 MHz band. We therefore grant New Jersey, Melville, and Bergen's requests for waiver.⁴⁸ Accordingly, we order the processing of their applications with the special conditions listed in the following table:

⁴⁵ See Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, *Report and Order*, CC Docket No. 92-115, 9 FCC Rcd 6513 (1994).

⁴⁶ See New Jersey Request at 4-5.

⁴⁷ 47 U.S.C. § 151.

⁴⁸ In view of the conclusion that a grant of a waiver for New Jersey is warranted under Section 337(c) of the Act, we need not reach the question of whether New Jersey's waiver request should be granted under Section 1.925(b)(3) of the Commission's Rules. See *Seven Public Safety Agencies Order*, 19 FCC Rcd at 15372 n.85.

Applicant	FCC File No.	Call Sign	Special Conditions
New Jersey	0001855193	(To be determined)	While the Melville Fire District is licensed co-channel on frequency pair 470/473.1625 MHz, the licensee shall (1) not expand the service area footprint reflected by the initial grant of the State of New Jersey's station at locations 9, 10, and 11 on frequency pair 470/473.1625 MHz; and (2) protect the Melville Fire District's co-channel operations.
New Jersey	0001855197	(To be determined)	None.
Melville	0001954152, 0002058180	WIG703	While the State of New Jersey and/or the County of Bergen, New Jersey are licensed co-channel on frequency pair 470/473.1625 MHz, the licensee shall (1) employ six-degree downtilt antenna on frequency 470.1625 MHz; (2) not expand the footprint established by its applications, and; (3) protect the co-channel operations of the State of New Jersey and/or the County of Bergen, New Jersey.
Bergen	0002058421	WQBL384	While the Melville Fire District is licensed on frequency pair 470/473.1625, (1) if the licensee should ever be authorized on frequency pair 470/473.1625 MHz, it shall not expand the service area footprint reflected by the initial grant of Station WQBL384, locations 1, 2, and 3; and (2) the licensee shall protect Melville Fire District's co-channel operations.

V. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 337(c), the request for waiver associated with the captioned applications filed by the Attorney General's Office of the State of New Jersey on August 27, 2004, as amended, for authorization to operate public safety radio communications systems as requested in the captioned applications **IS GRANTED**.

21. **IT IS FURTHER ORDERED** that, pursuant to Sections 4(i) and 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 337(c), the request for waiver associated with the captioned applications filed by the Melville Fire District on November 30, 2004 and February 23, 2005, as amended, to modify its license for Station WIG703 as requested in the captioned applications **IS GRANTED**.

22. **IT IS FURTHER ORDERED** that, pursuant to Sections 4(i) and 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 337(c), the request for waiver associated

with the captioned application filed by the County of Bergen, New Jersey on February 23, 2005, as amended, to modify its license for Station WQBL384 as requested in the captioned application **IS GRANTED**.

23. **IT IS FURTHER ORDERED** that, pursuant to Sections 4(i) and 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 337(c), File Nos. 0001855193, 0001855197, 0002058421, 0001954152, and 0002058180 SHALL BE PROCESSED consistent with this *Order* and the Commission's Rules.

24. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0131, 0331.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Chief, Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau